

UNITED STATES DISTRICT COURT

Southern District of New York

Office of the Clerk

500 Pearl Street

New York, N.Y. 10007

(212)805-0136

J. Michael McMahon
Clerk

USDC ND OF FLORIDA

Date: 8/15/07

In Re: FOSAMAX

MDL 1789

Your Docket #

S.D. OF N.Y.

3:07-0233 - MCR-EMT

07 CV 7291

Dear Sir:

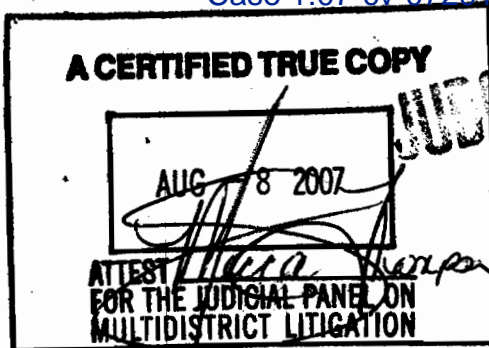
Enclosed is a certified copy of the order of the Judicial Panel on Multidistrict Litigation, transferring the above entitled action presently pending in your court, to the Southern District of New York and assigned to Judge KEENAN for coordinated or consolidated pretrial processing pursuant to 28 USC 1407.

Please return the copy of this letter when transmitting YOUR FILE and a CERTIFIED COPY OF THE DOCKET SHEET.

Sincerely,
J. Michael McMahonBy:
MDL UnitOFFICE OF CLERK
U.S. DISTRICT CT.
NORTHERN DIST. FLA.
TALLAHASSEE, FLA.

2007 AUG 20 PM 1:33

my
FILED

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUL 23 2007

FILED
CLERK'S OFFICE

MDL NO. 1789

UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE Fosamax Products Liability Litigation

(SEE ATTACHED SCHEDULE)

FLD
SAG/14
8/15/07

CONDITIONAL TRANSFER ORDER (CTO-29)

On August 16, 2006, the Panel transferred four civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 444 F.Supp.2d 1347 (J.P.M.L. 2006). Since that time, 63 additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable John F. Keenan.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Keenan.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of August 16, 2006, and, with the consent of that court, assigned to the Honorable John F. Keenan.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

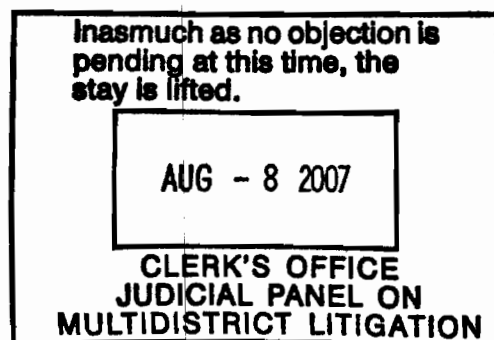
Jeffrey N. Lüthi
Clerk of the Panel

A CERTIFIED COPY
J. MICHAEL McMAHON,

CLERK

BY

DEPUTY CLERK



SCHEDULE CTO-29 - TAG-ALONG ACTIONS

MDL NO. 1789

IN RE Fosamax Products Liability Litigation

DIST. DIV. C.A.#

CASE CAPTION

CALIFORNIA CENTRAL

CAC 2 07-4136

CAC 2 07-4172

Rose A. Evans, et al. v. Merck & Co., Inc., et al.

Marion Goss, et al. v. Merck & Co., Inc., et al.

FLORIDA NORTHERN

FLN 3 07-233

FLN 3 07-234

Betty B. Mahanay, et al. v. Merck & Co., Inc.

Betty Hamm v. Merck & Co., Inc.

KENTUCKY WESTERN

KYW 3 07-320

Marilyn Hill v. Merck & Co., Inc.

WASHINGTON WESTERN

WAW 3 07-5314

Susan A. Unruh v. Merck & Co., Inc.